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BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 19-2.3

WHEREAS, Martin County needs a Utility Easement from Manatee Marine Associates to allow for the relocation and installation of a new sewer force main check valve and stackable box for sewer line located east of SE Dixie Highway and south of SE Salerno Road; and

WHEREAS, by document entitled "Utility Easement" executed on December 11, 2018, Manatee Marine Associates grants to Martin County a perpetual Utility Easement; and

WHEREAS, Sec. 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County.

NOW, THEREFORE, BE IT RESOLVED BY THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS, THAT:

Martin County hereby accepts and approves the Utility Easement conveyed by Manatee Marine Associates.

DULY PASSED AND ADOPTED THIS 12TH DAY OF FEBRUARY, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA


CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER


EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:


KRISTA A. STOREY, ACTING COUNTY ATTORNEY



This instrument prepared by:
Ellen MacArthur for
Martin County
2401 SE Monterey Road
Stuart, FL 34996



Inst. # 2745984
Bk: 3048 Pg: 2816 Pages: 1 of 6
Recorded on: 3/28/2019 8:04 AM Doc: EAS
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$52.50

Project Name: Manatee Marine Associates Utility Easement
Project No: RPM #3129
PCN: 51-38-41-002-001-00130-6

SPACE ABOVE THIS LINE FOR PROCESSING DATA

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UTILITY EASEMENT

THIS EASEMENT granted and executed this 11th day of December, 2018, by MANATEE MARINE ASSOCIATES, a Florida general partnership, whose mailing address is P.O. Box 1449, Port Salerno, FL, 34992, Grantor, to MARTIN COUNTY, a political subdivision of the State of Florida, whose address is 2401 SE Monterey Road, Stuart, Florida 34996, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$1.00 and other good and valuable considerations, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant unto the Grantee forever, an easement for the construction, reconstruction, replacement, operation, maintenance, and repair of utility related equipment, including, but not limited to lift stations, pumps, pipelines, fences, structures, and powerline hookups, if required, in, under, over, across, and through the following described land, situate, lying and being in the County of Martin, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

The Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good and lawful authority to grant and convey this easement; that Grantor fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

The Grantor agrees that it will not alter or obstruct or allow the alteration or obstruction of the Easement Premises in any way without the express written consent of the Grantee. Grantee, its contractors, agents and employees shall have free access to the Easement Premises and every part thereof, at all times, for the purpose of exercising the rights granted herein; provided however in making any excavations on the Easement Premises, Grantee shall make the same in such manner as will cause the least injury to the surface of the ground and restore any improvements within such excavation to as near the same condition as it was prior to such excavation as soon as is practicable.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in
the presence of:

WITNESSES:

GRANTOR:

MANATEE MARINE ASSOCIATES,
a Florida general partnership

BY:

Barbara A. Dalene

Barbara A. Dalene

Print Name

Title: Managing Partner

Witness

GREGORY A. BOYD

Print Name

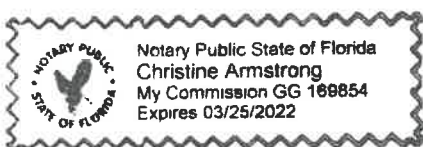
Witness

DOUGLAS J. PARYLEK

Print Name

State of Florida }
County of Martin }

The foregoing Utility Easement was acknowledged before me this 21st day of March, 2019 by Barbara A. Dalene, as MAN. PARTER of Manatee Marine Associates, a general partnership existing under the laws of the State of Florida, on behalf of the corporation. He/she is (☒) personally known to me or has produced _____ as identification.



Christine Armstrong
Notary Public

Project Name: Manatee Marine Associates Utility Easement
Project Number: RPM 3129
PCN: 51-38-41-002-001-00130-6

CONSENT OF MORTGAGEE

SEACOAST NATIONAL BANK (hereinafter referred to as "Mortgagee"), under that certain Commercial Mortgage dated March 29, 1999 recorded March 30, 1999 in Official Records Book 1381, Page 1793; Assignment of Rents and Leases dated March 29, 1999, recorded March 30, 1999 in Official Records Book 1381, Page 1816; Future Advance, Note and Mortgage Modification and Consolidation Agreement dated February 26, 2003 and recorded March 4, 2003 in Official Records Book 1737, Page 2583; and Modification of Mortgage dated June 30, 2014, and recorded July 31, 2014 in Official Records Book 2732, Page 1292, all of which are recorded in the Public Records of Martin County, Florida, (hereinafter referred to as the "Mortgage"), hereby executes this document to evidence its consent to the granting and recording of that certain Easement to which this Consent of Mortgagee is attached and which is being recorded simultaneously herewith (hereinafter referred to as the "Easement"), further Mortgagee agrees that the Easement shall be an interest, superior to the Mortgage and in the property to which the Mortgage encumbers. This consent is given on the express condition that it shall in no way affect the lien of the Mortgage on the property described in the Mortgage, but shall only be construed as Subordination to the Easement.

This consent by Mortgagee is not intended to be and shall not be construed to be a waiver by Mortgagee of the maturity date of the principal, accrued interest or other amounts due under the terms of the note, mortgage or other loan documents, even though this consent may be executed subsequent to any maturity date or any other term or condition of the note, mortgage or other loan documents. This consent is not and shall not be construed to be an agreement or consent to a subordination of the lien of the Mortgage by Mortgagee to any other easements now existing or that may exist or arise in the future.

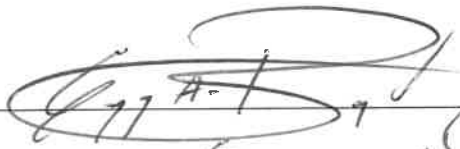
SIGNATURE PAGE TO FOLLOW

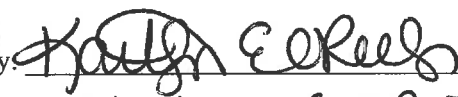
SIGNATURE PAGE TO CONSENT OF MORTGAGEE

IN WITNESS WHEREOF, the said corporation has caused these presents to be executed in its name and its corporate seal to be hereunto affixed, by its proper officers hereunto duly authorized, the 11th day of December, 2018.

Signed, sealed and delivered in the presence of:

SEACOAST NATIONAL BANK,
Florida Banking Corporation


Print Name: Gregory A. Boyd

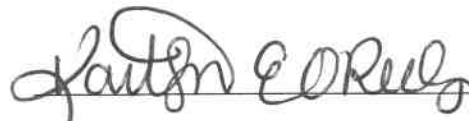
By 
Name: Kaitlyn E O'Reilly
Title: Client Advisor

Print Name: _____

STATE OF FLORIDA

COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 11th day of December, 2018, by Gregory Boyd, as Client Advisor of Seacoast National Bank, on behalf of the company, who is personally known to me or has produced FLDL as identification.



Notary Public, State of Florida

Print Name: Kaitlyn O'Reilly

My Commission Expires: 11/23/19



EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE ABANDONED CLEVELAND AVENUE 60 FOOT WIDE RIGHT-OF-WAY LYING EASTERLY OF SE DIXIE HIGHWAY, ACCORDING TO THE REVISED PLAT OF BLOCKS 69-71 & 1 AND FIRST ADDITION TO PORT SALERNO, AS RECORDED IN PLAT BOOK 8, PAGE 28, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 27, BLOCK 1 OF SAID REVISED PLAT OF BLOCKS 69-71 & 1 AND FIRST ADDITION TO PORT SALERNO, SAID POINT ALSO LYING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SE DIXIE HIGHWAY;

THENCE NORTH 51°23'50" WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 432.96 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, NORTH 51°23'50" WEST, A DISTANCE OF 6.02 FEET; THENCE NORTH 43°41'59" EAST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2.92 FEET; THENCE NORTH 16°41'57" WEST, A DISTANCE OF 0.91 FEET; THENCE NORTH 73°18'03" EAST, A DISTANCE OF 7.65 FEET; THENCE SOUTH 16°41'57" EAST, A DISTANCE OF 7.10 FEET; THENCE SOUTH 73°18'03" WEST, A DISTANCE OF 6.40 FEET; THENCE SOUTH 43°41'59" WEST, A DISTANCE OF 0.42 FEET TO AFORESAID RIGHT-OF-WAY LINE AND THE **POINT OF BEGINNING**.

CONTAINING 60.44 SQUARE FEET MORE OR LESS.

SURVEYOR'S NOTES

1. BEARING BASIS IS THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SE DIXIE HIGHWAY, HAVING A BEARING OF NORTH 51°23'50" WEST.
2. THIS IS NOT A SURVEY.
3. THIS LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.
4. THE LOCATION AND MEASUREMENTS TO THE CHECK VALVE WERE MADE IN THE FIELD USING GPS RTK TECHNIQUES.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 5J-17.050 - 17.052.


GREGORY S FLEMING, P.S.M.
FLORIDA REGISTRATION NO. 4350

7/9/18
DATE

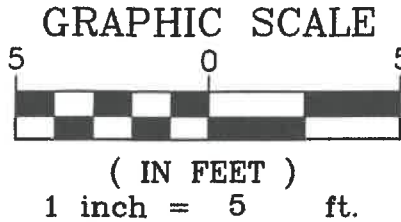


**NORTHSTAR
GEOMATICS**

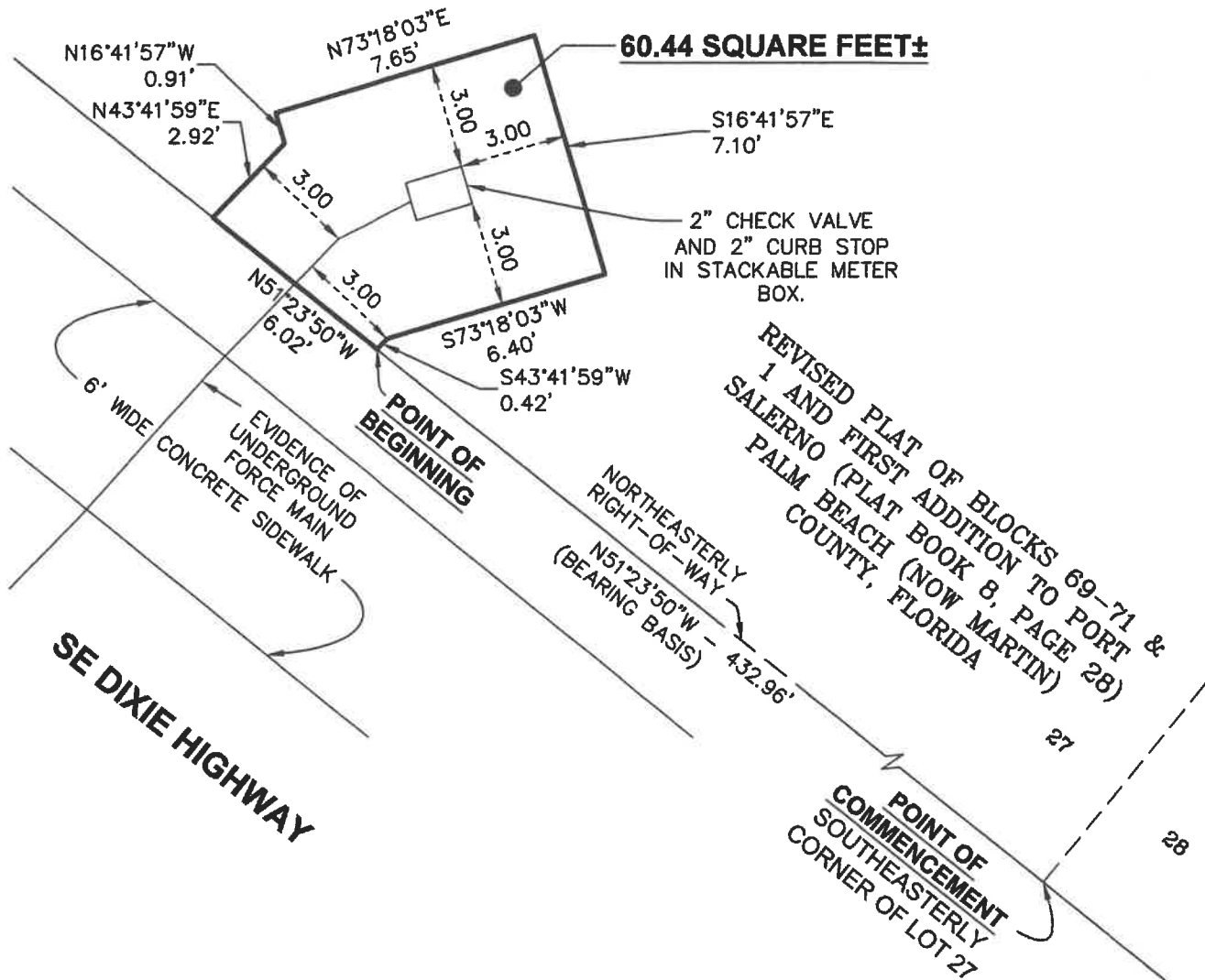
617 NW BAKER ROAD
PO BOX 2371, STUART, FLORIDA 34995
(772)781-6400 (772)781-6462 FAX
LICENSED BUSINESS NO. 7217

SKETCH & LEGAL DESCRIPTION OF
UTILITY EASEMENT
for
MARTIN COUNTY UTILITIES
MARTIN COUNTY, FLORIDA

SHEET NO.
1
OF 2
PROJECT NO.
18-032



MANATEE MARINE ASSOCIATES
PCN: 51-38-41-002-001-00130-6
ABANDONED 60' ROAD RIGHT-OF-WAY
(PLATTED AS CLEVELAND AVE.)



**NORTHSTAR
GEOMATICS**

617 NW BAKER ROAD
PO BOX 2371, STUART, FLORIDA 34995
(772)781-6400 (772)781-6462 FAX
LICENSED BUSINESS NO. 7217

SKETCH & LEGAL DESCRIPTION OF
UTILITY EASEMENT
for
MARTIN COUNTY UTILITIES
MARTIN COUNTY, FLORIDA

SHEET NO.

2

OF

2

PROJECT NO.

18-032